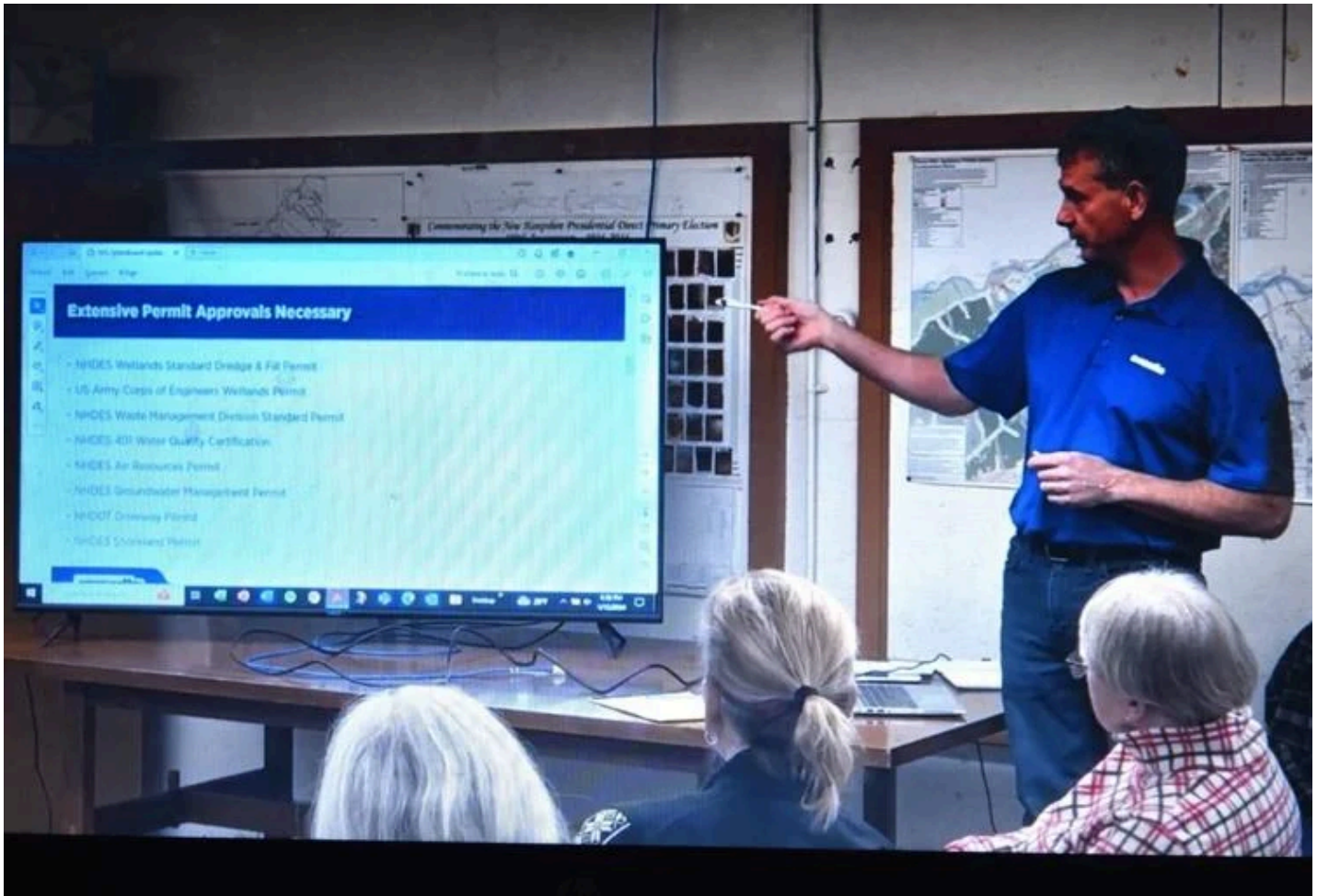


https://www.caledonianrecord.com/news/local/state-deems-casella-landfill-application-incomplete/article_d0c70a5a-6f90-54b0-a3e5-832430b1a7e0.html

State Deems Casella Landfill Application Incomplete

Robert Blechl rblechl@caledonian-record.com Staff Writer
Mar 1, 2024



During Monday's Dalton Select Board meeting, Joe Gay, engineer for Casella Waste Systems, presented the current status of the company's proposed commercial landfill near Forest Lake.

State officials have declared the Casella Waste Systems application for a new landfill beside Forest Lake in Dalton incomplete and said it's missing information across dozens of areas.

Review of the application is now suspended until Casella, which is proposing a 70-acre commercial landfill at 172 Douglas Drive near the town lines of Littleton, Bethlehem and Whitefield, submits the required information.

On Thursday, Feb. 28, a month after Casella engineer John Gay told the Dalton Select Board that the company's goal is to have public hearings on permit applications in the late summer or fall of 2024, the New Hampshire Department of Environmental Services issued a notice of incomplete application/request for additional information to Gay regarding Casella's application for a standard permit.

After receiving the application in October, DES began reviewing what the company is calling Granite State Landfill LLC.

In the Feb. 28 letter, Mary Daun, an engineer with DES's Solid Waste Management Bureau, said among the missing pieces of information are facility identification and landowner agreement.

The property is currently owned by Douglas Ingerson Jr.

In 2019, Casella entered into an option to purchase some of Ingerson's land.

"The application does not consistently identify which property lot numbers the facility is proposed to occupy," wrote Daun.

Specifically, she said the parcels listed in one section of facility identification are not consistent with candidate land shown in the landowner agreement.

Additionally, the tax maps provided do not correspond with the proposed property lines and the landowner agreement "is redacted in such a manner that NHDES is unable to evaluate certain requirements" of the state's solid waste management rules.

"In addition, provide relevant legal agreements regarding access to and from the proposed facility, which NHDES understands to be proposed to be located on landlocked parcels," said Daun.

Casella is also required to demonstrate how other activities on site will not interfere with the operation of the proposed landfill, specifically how nearby existing sand and gravel operations and a proposed drag strip will not interfere with the landfill's compliance of state rules.

Daun said the company is also deficient in its traffic discussion and study, which does not adequately address all state solid waste rules requirements.

“The traffic study does not include information to support a 25 % increase of traffic volume from the North Country Environmental Services landfill in Bethlehem [which is projected to reach capacity and close after 2026],” she said. “Provide information on how this increase was determined.”

The company seeks a separate driveway permit through the New Hampshire Department of Transportation.

The access on Douglas Drive, which begins within the town of Bethlehem, would be off of Route 116.

The operating plan will need to address traffic management.

In its site report, Casella is also required to provide sufficient information on proposed methods and materials for filling wetlands, proposed locations and materials for surface water and groundwater monitoring, and demonstrate that the landfill and leachate storage units will be located in areas where potential adverse impacts to surface water quality from a discharge of contaminants can be prevented or minimized.

“Provide a demonstration of addressing contaminant discharge from the landfill, including leachate outbreaks that reach the storm water management system,” said Daun.

More information on stability calculations for the leachate collection and removal system is also required as is bearing capacity analyses for landfill infrastructure.

For the operating plan, an updated leachate management system is required.

Test pit logs were also not provided in the company’s hydro-geological report, and Daun said it does not appear that test pits were considered in the evaluation provided.

In addition, the operating plan “did not provide sufficient detail to allow the certified operator and other trained facility personnel to operate the facility in compliance with RSA 149-M,” New Hampshire’s solid waste management statute.

For the landfill closure plan, Casella did not provide sufficient detail to allow a third party to implement and complete all required facility closure tasks in compliance with RSA 149-M.

The company is also required to provide a financial assurance plan.

In addition, Casella is required to identify all local permits or approvals that are or might be required for the proposed landfill and to provide the status of each.

To avoid having the application become dormant and be denied, Casella is required to submit the required information within one year of DES's Feb. 28 incompleteness letter.

On Feb. 8, following a Jan. 24 meeting between DES and Casella on the application and its completeness, DES received a 673-page supplemental report from Casella, which Daun said provided the missing appendices from the original geo-technical report.

A review of the supplement for completeness has not yet been completed by DES.

At the Jan. 24 meeting, according to the minutes, Casella representatives told DES that they would like to begin construction in 2025.

BCC Weighs In

On Friday, March 1, the Bethlehem Conservation Commission sent a letter with comments to DES's Wetlands Bureau regarding Casella's wetlands application.

Although the proposed landfill would be in Dalton, the entrance is in Bethlehem and both towns share the same natural resources that include an aquifer and the Ammonoosuc River, said commission members, whose comments were based on information from consultants hired by the Dalton Conservation Commission and North Country Alliance for Balanced Change as well as the BCC's review of Casella's alteration of terrain permit application.

"In summary, the BCC is convinced that this project is so ill-advised and ill-conceived that we cannot imagine that the New Hampshire Department of Environmental Services will approve it," said BCC members. "It is clear that this project will result in a breathtaking amount of damage to the environment, including posing a threat to the Ammonoosuc River, a protected river. It would be unconscionable to approve the proposed Granite State Landfill when the capacity of a new landfill is clearly not needed. The consultants also found some of the information in the application itself deeply flawed or missing."

Douglas Drive Question

During the Select Board's Jan. 29 meeting, Casella opponent and Dalton resident Jon Swan went before the board to discuss PFAS detections at NCES (a subsidiary of Casella) as well as Douglas Drive.

"I know your board wrote a letter to DES and DOT in 2022, I believe, bemoaning the fact that the traffic situation in Bethlehem at Douglas Drive and with the traffic being routed down Main Street would be a substantial threat to the citizens of Bethlehem," he said.

Swan argues that the use of Douglas Drive as a landfill access violates the 2012 settlement agreement between Casella and the town of Bethlehem.

He referred to provision 9, which states, "NCES, its parent, affiliates, successors or assigns agree to not purchase, lease, rent, develop, or otherwise acquire or seek permits to use any other property in the Town of Bethlehem (other than District V) for the purpose of a landfill. This includes any entity over which NCES, its parent, affiliates, successors or assigns has any control, or in which it has any ownership interest."

The document is a legal agreement that was upheld in 2018 and prohibits Casella from seeking permits outside of District 5, which encompasses NCES, said Swan.

Douglas Drive is in District 3.

"So you have a legal case to stop this landfill project, which your board has admitted is a threat to your own town," he said, before asking the board for comment and if its members plan to act on the two issues.

"We shall not comment on non-public legal information in public," said Veronica Morris, chair of the Bethlehem. Select Board.

Casella

On Friday, March 1, Casella spokesman Jeff Weld was asked why the DES-requested information was not included in the permit application, when the company intends to provide it, and if the company believes or not the use of Douglas Drive as an access road will be legally problematic in light of provision 9 in the settlement agreement.

“We have received the RFMI letter from NHDES which is standard course of action for these kind of permit applications,” said Weld. “It would be much rarer for an applicant to receive a letter of completion upon first submission. Given the complexity and breadth of the application, we are pleased that so much of our submittal was acceptable to the Department. We look forward to providing the additional clarifications requested within the timeline provided by NHDES to ensure that the project remains on schedule and the facility is available to serve the customers who will depend on the capacity it will provide.”

Robert Blechl